

AMENDED IN ASSEMBLY MARCH 25, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 102**

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**Introduced by Assembly Members Wildman and Hertzberg**  
***(Principal coauthors: Assembly Members Kuehl, Margett,***  
***and Vincent)***

***(Principal coauthor: Senator Murray)***

***(Coauthors: Assembly Members Calderon, Cardenas,***  
***Gallegos, Knox, Machado, Romero, Scott, and Vincent)***

***(Coauthors: Senators Hughes and Solis)***

December 21, 1998

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An act to amend Sections 163, 164, and 167 of the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 102, as amended, Wildman. Highways: soundwalls.

Existing law requires ~~that~~ all transportation funds that are available to the state *to* be expended according to specified priorities. Twenty-five percent of the balance available after deducting expenditures for those priorities is required to be available for interregional capital improvement projects, and 75% of that balance is required to be available for regional capital improvement projects, both of which are programmed in the state transportation improvement program. The funds made available for regional projects are required to be used for, among other things, soundwall projects.

Existing law requires the Department of Transportation to develop and implement a system of priorities for ranking the need for ~~retrofit of~~ *retrofitting* soundwalls along freeways.

This bill would require expenditures for retrofitting the soundwalls on a specified priority list established by the department on May 3, 1989, to be funded prior to making state transportation funds available for interregional and regional capital improvement projects in the state transportation improvement program. The bill would provide that soundwall retrofit projects on the department's priority list would not be funded as regional soundwall projects.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 163 of the Streets and Highways  
2 Code is amended to read:

3 163. The Legislature, through the enactment of this  
4 section, intends to establish a policy for the use of all  
5 transportation funds that are available to the state,  
6 including the State Highway Account, the Public  
7 Transportation Account, and federal funds. For the  
8 purposes of this section, "federal funds" means any  
9 obligational authority to be provided under annual  
10 federal transportation appropriations acts. The  
11 department and the commission shall prepare fund  
12 estimates pursuant to Sections 14524 and 14525 of the  
13 Government Code based on *all of* the following:

14 (a) Annual expenditures for the administration of the  
15 department shall be the same as the most recent Budget  
16 Act, adjusted for inflation.

17 (b) Annual expenditures for the maintenance and  
18 operation of the state highway system shall be the same  
19 as the most recent Budget Act, adjusted for inflation and  
20 inventory.

21 (c) Annual expenditure for the rehabilitation of the  
22 state highway system shall be the same as the most recent  
23 Budget Act, or, if a long-range rehabilitation plan has  
24 been enacted pursuant to Section 164.6, it shall be based

1 on planned expenditures in a long-range rehabilitation  
2 plan prepared by the department pursuant to Section  
3 164.6.

4 (d) Annual expenditures for local assistance shall be  
5 the amount required to fund local assistance programs  
6 required by state or federal law or regulations, including,  
7 but not limited to, railroad grade crossing maintenance,  
8 bicycle transportation account, congestion mitigation  
9 and air quality, regional surface transportation programs,  
10 local highway bridge replacement and rehabilitation,  
11 local seismic retrofit, local hazard elimination and safety,  
12 and local emergency relief.

13 (e) Annual expenditures for the soundwall retrofit  
14 program shall be *equal to* the amount required to  
15 complete by July 1, 2003, the design and construction of  
16 the soundwalls included on the May 3, 1989, priority list  
17 established by the department pursuant to Section 215.5.  
18 Notwithstanding any other provision of law, the  
19 department may recommend to the commission that a  
20 soundwall project be deleted from the list, and the  
21 commission, based upon that recommendation, may  
22 delete the project if it determines that the project is not  
23 cost-effective, and that the deletion of the project will not  
24 negatively impact the public health, safety, ~~and~~ or  
25 welfare.

26 (f) After deducting expenditures for administration,  
27 operation, maintenance, local assistance, safety,  
28 rehabilitation, and soundwall retrofit pursuant to  
29 subdivisions (a), (b), (c), (d), and (e) and for  
30 expenditures pursuant to Section 164.56, the remaining  
31 funds shall be available for capital improvement projects  
32 to be programmed in the state transportation  
33 improvement program.

34 SEC. 2. Section 164 of the Streets and Highways Code  
35 is amended to read:

36 164. (a) Funds made available for transportation  
37 capital improvement projects under subdivision (f) of  
38 Section 163 shall be programmed and expended for the  
39 following program categories:

1 (1) Twenty-five percent for interregional  
2 improvements.

3 (2) Seventy-five percent for regional improvements.

4 (b) Sixty percent of the funds available for  
5 interregional improvements under paragraph (1) of  
6 subdivision (a) shall be programmed and expended for  
7 improvements to state highways that are specified in  
8 Sections 164.10 to 164.20, inclusive, and that are outside  
9 the boundaries of an urbanized area with a population of  
10 more than 50,000, and for intercity rail improvements.

11 (c) Not less than 15 percent of the amount of funds  
12 programmed under subdivision (b) shall be programmed  
13 for intercity rail improvement projects, including  
14 separation of grade projects.

15 (d) Funds made available under paragraph (1) of  
16 subdivision (a) shall be used for transportation  
17 improvement projects that are needed to facilitate  
18 interregional movement of people and goods. The  
19 projects may include state highway, intercity passenger  
20 rail, mass transit guideway, or grade separation projects.

21 (e) Funds made available under paragraph (2) of  
22 subdivision (a) shall be used for transportation  
23 improvement projects that are needed to improve  
24 transportation within the region. The projects may  
25 include, but shall not be limited to, improving state  
26 highways, local roads, public transit, intercity rail,  
27 pedestrian, and bicycle facilities, and grade separation,  
28 transportation system management, transportation  
29 demand management, soundwall projects not included  
30 on the May 3, 1989, soundwall retrofit priority list  
31 established by the department pursuant to Section 215.5,  
32 intermodal facilities, safety, and providing funds to match  
33 federal funds.

34 SEC. 3. Section 167 of the Streets and Highways Code  
35 is amended to read:

36 167. (a) Funds in the State Highway Account in the  
37 State Transportation Fund shall be programmed,  
38 budgeted subject to Section 163, and expended to  
39 maximize the use of federal funds and shall be based on  
40 the following sequence of priorities:

1 (1) Operation, maintenance, and rehabilitation of the  
2 state highway system.

3 (2) Safety improvements where physical changes,  
4 other than adding additional lanes, would reduce  
5 fatalities and the number and severity of injuries.

6 (3) Soundwall retrofit, as specified in subdivision (e)  
7 of Section 163.

8 (4) Transportation capital improvements that expand  
9 capacity or reduce congestion, or do both.

10 (5) Environmental enhancement and mitigation  
11 programs.

12 (b) With respect to the funds in the State Highway  
13 Account, in the Public Transportation Account, and in  
14 the Passenger Rail Bond Fund, the proposed budget shall  
15 be organized on a program basis. The proposed budget  
16 shall list the proposed expenditures for the transportation  
17 program under the following program elements:

18 (1) Administration.

19 (2) Program development.

20 (3) Maintenance.

21 (4) State highway operation and protection.

22 (5) Local assistance.

23 (6) Interregional improvements.

24 (7) Regional improvements.

25 (8) Environmental enhancement and mitigation  
26 programs.

27 (c) State operations expenditure amounts of the  
28 department for interregional and regional transportation  
29 improvement projects shall be listed as required by  
30 subdivision (b) of Section 14529 of the Government Code,  
31 but those amounts other than those for the acquisition of  
32 rights-of-way and construction shall not be subject to  
33 allocation by the commission.

34 (d) To align the annual budget with the adopted state  
35 transportation improvement program, the department  
36 may submit to the Department of Finance revised capital  
37 outlay support and capital outlay budget estimates as part  
38 of its May revision process.

39 (e) The budget shall not include specific  
40 appropriations for specific transportation improvement

1 projects, and the Legislature shall not enact legislation  
2 containing specific individual transportation projects.

3 (f) The basis for defining major and minor capital  
4 outlay projects shall be established by the commission.

5 (g) The Legislative Analyst shall prepare an analysis of  
6 the proposed expenditures for each program element as  
7 a part of the budget analysis.

